

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

IRON WORKERS ST. LOUIS DISTRICT
COUNCIL PENSION TRUST, et al.,

Plaintiffs,

vs.

GROVER MAYS, JR., d/b/a GROVER MAYS
CONSTRUCTION COMPANY, et al.,


Defendants.

4:22-mc-00006-SMY

Cause No. 4:22 CV 822 RWS

ORDER FOR PARTIAL DEFAULT JUDGMENT

This matter is before the Court on Plaintiffs' Motion for Partial Default Judgment against Defendants Grover Mays, Jr., individually and d/b/a Grover Mays Construction Company and against Mika Sadler, individually and d/b/a Grover Mays Construction Company (hereinafter "Defendants"). Plaintiffs filed this action on August 8, 2022, under the Employee Retirement Income Security Act, 29 U.S.C. §§ 1132 and 1145. The complaint alleges Defendants have failed to make an accounting and to fully pay several employee benefit funds the contributions due under the collective bargaining agreement between Defendants and its employees' union, the International Association of Bridge, Structural, Ornamental, and Reinforcing Iron Workers Local No. 782. Plaintiffs are the trustees, sponsors, and/or fiduciaries of the various funds.

GREGORY J. LINHARES, CLERK
A TRUE COPY OF THE ORIGINAL
UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
BY:  DEPUTY CLERK

On August 13, 2022, Defendants were served with a summons and complaint. Defendants failed to answer or otherwise respond to the summons. The Clerk of Court entered an order of default against the Defendants on September 9, 2022. On September 16, 2022, Plaintiffs filed a Motion seeking a partial default judgment for delinquent fringe benefit contributions from the period of October 1, 2018 through December 31, 2021. Plaintiffs request a judgment requiring Defendants to pay \$126,572.07 in delinquent fringe benefit contributions, dues and deductions, liquidated damages and attorney's fees itemized as follows:

- 1) \$91,790.51 in unpaid contributions
- 2) \$9,179.05 in liquidated damages
- 3) \$18,955.00 in interest, and
- 4) \$6,647.51 in reasonable attorneys' fees and costs.

In addition, Plaintiffs request an order for Defendants to submit to the Plaintiffs' attorney for review and copying Defendants' contribution reports for March 2022, April 2022, May 2022, June 2022, and August 2022.

When the Clerk of Court has entered default against a defendant, the "allegations of the complaint except as to the amount of damages are taken as true." Brown v. Kenron Aluminum & Glass Corp., 477 F.2d 526, 531 (8th Cir. 1973)(quoting 3 Barron & Holtzoff, Federal Practice & Procedure § 1216, pp. 85-86 (1958)). Accordingly, in deciding the present motion for default judgment, the

Court accepts as true the factual allegations contained in Plaintiffs' Complaint together with those affidavits presented in the Plaintiffs' Motion and Memorandum in Support.

Based on those allegations and accompanying affidavits, Plaintiffs are entitled to the relief requested.

Accordingly,

IT IS HEREBY ORDERED that Plaintiffs' Motion for Partial Default Judgment [10] is **GRANTED**. Plaintiffs are awarded delinquent fringe benefit contributions, dues and deductions, interest, liquidated damages and attorney's fees against Defendants in the amount of \$126,572.07.

IT IS FURTHER ORDERED that Defendants shall submit their contribution reports for March 2022, April 2022, May 2022, June 2022, and August 2022 no later than **November 1, 2022**. Failure to comply with this Order may result in the imposition of sanctions.

IT IS FURTHER ORDERED that Plaintiffs shall send a copy of this order to each Defendant.



RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

Dated this 14th day of October, 2022.